

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

KRISTINA FINK, on behalf of  
the Nation Safe Drivers Employee  
Stock Ownership Plan, and on  
behalf of a class of all other  
persons similarly situated,

Plaintiff,

v.

WILMINGTON TRUST, N.A., as  
successor to Wilmington Trust  
Retirement and Institutional  
Trust Services Company,  
MICHAEL SMITH, ANDREW  
SMITH, and FRANK  
MENNELLA,

Defendants.

C.A. No. 19-1193 (CFC)

**DEFENDANTS' MICHAEL SMITH, ANDREW SMITH AND  
FRANK MENNELLA MOTION TO DISMISS FOR LACK OF  
PERSONAL JURISDICTION, OR IN THE ALTERNATIVE,  
MOTION TO TRANSFER VENUE**

Defendants Michael Smith, Andrew Smith, and Frank Mennella (the  
“Individual Defendants”) move under Fed. R. Civ. P. 12(b)(2) to dismiss for  
lack of personal jurisdiction. In the alternative, Individual Defendants move

under 28 U.S.C. § 1404 to transfer venue to the U.S. District Court for the Southern District of Florida.

The grounds for this motion are set forth in Individual Defendants' Opening Brief and accompanying exhibits, filed concurrently.

September 9, 2019

McDERMOTT WILL & EMERY LLP

*/s/ Ethan H. Townsend*

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**RULE 7.1.1 CERTIFICATION**

Pursuant to D. Del. LR 7.1.1, counsel for the parties met and conferred on the subject of this motion on September 6, 2019. Plaintiff indicated that she will oppose the Motion.

Dated: September 6, 2019

/s/ *Ethan H. Townsend*  
Ethan H. Townsend (#5813)